

Remarks

I. Status of Claims

Claims 1-9 and 11 are pending in the application. Claims 1 and 6 are independent.

Claims 1-9 and 11 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claims 1-9 and 11 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Collins *et al.* (USP 6,322,915) (hereinafter "Collins").

The Applicant respectfully requests reconsideration of the rejections in view of the following remarks.

II. Statement of Substance of Applicant Initiated Interview

Applicant thanks Examiner Rhee for the courtesies extended to the undersigned in the personal interview conducted by telephone on **May 29, 2007**, and provides this Statement of the Substance of the Interview in compliance with MPEP § 713.04:

- (A) Exhibits: No exhibits were submitted.
- (B) Claims: Independent claims 1 and 6 were discussed.
- (C) Prior art: Discussed Collins reference.
- (D) Amendments: None were discussed.
- (E) Principal Arguments of Applicants: 1) Fig. 3, ¶ [0024], and ¶ [0029] of the application as published at least provide support for the claims. 2) Claims 1 and 6 recite language not disclosed in the cited reference.
- (F) Other matters: None.
- (G) Agreement: 35 U.S.C. 112, first paragraph, rejection is obviated. Applicant will submit the arguments set forth in the interview regarding the differences between claims 1 and 6 and Collins.

III. 35 U.S.C. 112, first paragraph, Rejections

Claims 1-9 and 11 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

As explained in the interview with the Examiner, Fig. 3, ¶ [0024], and ¶ [0029] of the application as published at least provide support for the claims. For example, the fuel gas channel/passage and oxidizing gas channel/passage are discussed with reference to FIG. 3 in the application as published as follows:

[0024] As shown in FIG. 3, the fuel gas channel 27 has a gas inlet 27a, a gas outlet 27b, at least one turnaround portion 27c, and a plurality of stages 27d (linear channel portions) connecting between turnaround portions 27c or connecting between a turnaround portion 27c and the gas inlet 27a or the gas outlet 27b. Similarly, the oxidizing gas channel 28 has a gas inlet 28a, a gas outlet 28b, at least one turnaround portion 28c, and a plurality of stages 28d (linear channel portions) connecting between turnaround portions 28c or connecting between a turnaround portion 28c and the gas inlet 28a or the gas outlet 28b.

[0029] In the embodiment shown in FIG. 3, as for at least one of the gas channels 27, 28 (e.g., the oxidizing gas channel 28), the gas inlet 27a, 28a and the gas outlet 27b, 28b are located on the same side (the same edge side) of the separator 18.

To summarize, FIG. 3 clearly shows a gas passage. This gas passage can be a fuel gas passage 27 and/or a oxidizing gas channel 28 having inlets 27a, 28a and outlets 27b, 28b. Accordingly, as agreed upon in the interview with the Examiner, the Applicant respectfully requests removal of the 35 U.S.C. 112, first paragraph, rejection.

IV. Pending Claims

Independent claims 1 and 6 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Collins.

Independent claim 1 is patentable over the cited references at least because it recites, “a bypass that connects an upstream-side stage of the gas passage to a downstream-side stage of the gas passage” and “wherein a gas inlet of the separator and a gas outlet of the separator are located at a same side of the separator and opposite to the bypass.” (emphasis added)

Independent claim 6 is patentable over the cited references at least because it recites, “a bypass that connects a most upstream-side turnaround portion of the gas passage to a most downstream-side turnaround portion of the gas passage,” and “wherein a gas inlet to the separator and a gas outlet from the separator are located at a same side of the separator and opposite to the bypass.” (emphasis added)

First, the present application regards oxidizing gas or fuel gas flows. In contrast to the present application, Collins concerns cooling passage flows. Thus, the operation of Collins is completely different than that of the present application.

Next, independent claims 1 and 6 require that the bypass connect an upstream-side stage/turnaround portion of the gas passage to a downstream-side stage/turnaround portion of the gas passage. Collins does not disclose such as bypass. For example, FIG. 4 of Collins does not show any bypass and in FIGS. 5-7 of Collins the alleged bypasses connect the inlets and outlets (not the upstream and downstream stages/turnaround portions).

As explained in the interview with the Examiner, in FIG. 3, when looking into the paper, the arrows pointing to the left denote the upstream direction while the arrows pointing to the right denote the downstream direction. Bypass 32 of the present application connects upstream stage/turnaround portion 28d, 27d, via inlet 32a, to downstream stage/turnaround portion, generally depicted in region where lead line of 28b, 27b terminates, via outlet 32b. Collins simply does not disclose such a bypass.

Further, Collins does not disclose a gas inlet to the separator and a gas outlet from the separator which are located on a same side of the separator and opposite to the bypass. Rather, as seen in FIG. 6 of Collins, the only figure which illustrates an inlet 142 and outlet 144 located on the same side, the bypass (not labeled with a reference numeral) extends between the inlet 142 and outlet; however, the bypass is not located opposite to the inlet/outlet.

The Applicant respectfully submits that for at least these reasons, claims 1 and 6, as well as their dependent claims, are patentable over the cited references.

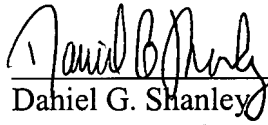
V. Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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